

GOAL: A CREDIBLE DETERRENT TO POLLUTION AND GREATER COMPLIANCE WITH THE LAW

EPA will ensure full compliance with laws intended to protect public health and the environment.

OBJECTIVE: INCREASE COMPLIANCE THROUGH ENFORCEMENT.

EPA and its state, tribal, and local partners will improve the environment and protect public health by increasing compliance with environmental laws through a strong enforcement presence.

Annual Performance Goals and Measures

Non-Compliance Reduction

In 2002 EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities.

Performance Measures:	FY 2002 Enacted	Units
Millions of pounds of pollutants required to be reduced through enforcement actions settled this fiscal year.(core optional)	300	M pounds
75% of concluded enforcement actions require physical action that result in pollutant reductions and/or changes in facility management or information practices. OECA will break out the %.	75	Percent
Develop and use valid compliance rates or other indicators of compliance for selected populations.	5	Populations
Reduce by 2 percentage points overall the level of significant noncompliance recidivism among CAA, CWA, and RCRA programs from FY 2000 levels	2	PercentagePoint
Increase by 2 percent over FY 2000 levels the proportion of significant noncomplier facilities under CAA, CWA, and RCRA which returned to compliance in less than two years. (core required)	2	PercentagePoint
Produce report on the number of civil and criminal enforcement actions initiated and concluded.	1	Report

Baseline: Protecting the public and the environment from risks posed by violations of environmental requirements is basic to EPA's mission. To develop a more complete picture of the results of the enforcement and compliance program, EPA has initiated a number of performance measures designed to capture the results of lowering the timeline for significant noncompliers to return to compliance, reducing noncompliance recidivism rates, and improvements in facility process and/or management practices through behavioral changes. The baseline rates for these measures were established in FY00 and the FY02 goal is to improve upon these rates. These new measures will complement the traditional enforcement measures of inspections and enforcement actions to provide a more complete picture of environmental results from the enforcement and compliance program.

Inspections/Investigations

In 2002 EPA will conduct inspections, criminal investigations, and civil investigations targeted to areas that pose risks to human health or the environment, display patterns of non-compliance or include disproportionately exposed populations.

Performance Measures:	FY 2002 Enacted	Units
Number of EPA inspections conducted (core required)	15500	inspections
Number of Criminal Investigations	400	Investigations
Number of Civil Investigations	200	Investigations

Baseline: The compliance monitoring program works with states and tribes to target areas that pose risks to human health or the environment, display patterns of noncompliance, or include disproportionately exposed populations. The number of inspections projected varies each year by the complexity of facilities targeted. In FY02, EPA will maintain its enforcement presence by conducting at least 15,000 inspections, 400 criminal investigations and 200 civil investigations. Due to the redirection of resources to the enforcement grant program, these levels have been reduced from the FY01 targets.

Quality Assurance

In 2002 Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify noncompliance and focus on human health and environmental problems.

Performance Measures:

	FY 2002 Enacted	Units
Operate 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency.	95	Percent
Have Phase I of the Integrated Compliance Information system ICIS fully operational in March 2002.	1	Phase

Baseline: EPA's ability to effectively target and measure effectiveness of its enforcement activities depends upon reliable and up-to-date data systems. In FY02, EPA's 14 data systems will continue to operate at 95% or better operational efficiency. In conjunction with the operation and maintenance of existing systems, EPA will continue its system modernizing efforts and improve data integration and consistency. Beginning in FY01, the Agency will conduct Quality Management Plans for three data systems and continue this target of three additional data systems in FY02.

Capacity Building

In 2002 Improve capacity of states, localities and tribes to conduct enforcement and compliance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel.

Performance Measures:

	FY 2002 Enacted	Units
Number of EPA training classes/seminars delivered to states, localities and tribes to build capacity.	200	Classes
Conduct EPA-assisted inspections to help build state program capacity	400	Inspections
Provide tribal governments with 50 computer-based training (CBT) modules.	50	Training module
Total number of state and local students trained.	4900	Students
Train Tribal personnel.	95	Personnel

Baseline: Training is an important aspect of state, local and tribal capacity building. The National Enforcement Training Institute (NETI) is mandated in the Pollution Prosecution Act to provide enforcement training nationally. In FY02, NETI will provide 200 training classes/seminars as well as expand access to its training by building a training center on the Internet. EPA will conduct 150 assisted inspections to build capacity.

International Enforcement

In 2002 Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports.

Performance Measures:

	FY 2002 Enacted	Units
Evaluate 100% of the notices for transboundary movement of hazardous wastes, ensuring their proper management in accordance with international agreements.	100	Percent

Baseline: In FY02, EPA will review and respond to 100 percent of the notices for transboundary movement of hazardous waste, ensuring that these wastes are properly handled in accordance with international agreements and the Resource Conservation and Recovery Act regulations.

OBJECTIVE: PROMOTE COMPLIANCE THROUGH INCENTIVES AND ASSISTANCE.

EPA and its state, tribal, and local partners will promote the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs.

Annual Performance Goals and Measures

Compliance Incentives

In 2002 Increase opportunities through new targeted sector initiatives for industries to voluntarily self-disclose and correct violations on a corporate-wide basis.

Performance Measures:

Facilities voluntarily self-disclose and correct violations with reduced or no penalty as a result of EPA self-disclosure policies.

**FY 2002
Enacted**
500

Units
Facilities

Baseline: EPA developed its Audit/Self-Policing Policy in 1995 to encourage corporate audits and subsequent correction of self-discovered violations. The Agency is working to expand the use of the Audit Policy through aggressive outreach to specific sectors - telecommunications, petroleum, and iron and steel. In FY01 the performance measure was modified to reach settlements with 500 facilities to voluntarily self-disclose and correct violations. This same measure has been carried over to FY02.

Environmental Management Systems

In 2002 Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems.

Performance Measures:

Increase EMS use by developing tools, such as training, best practice manuals, and other resources that encourage improved environmental performance.

**FY 2002
Enacted**
3

Units
Tools

Baseline: As a result of the Innovations Task Force recommendations, EPA developed the Environmental Management Systems project which promotes improved environmental performance through the use of assistance tools, such as training and/or best practices manuals to address known compliance and enforcement problems. This was a new activity for EPA in FY01. The FY02 target for this measure has been carried over from FY01 with development of 3 additional tools.